

**Writ Petition No. 327 of 2001 (S/B)
(Old No. 44508/2000)**

Jagat Ram and others Petitioners

Versus

Oil and Natural Gas Corporation..... Respondents

Hon. P.C. Verma, A.C.J.

Hon. Irshad Hussain, J.

Heard Sri J. C. Joshi, learned counsel for the petitioners and Sri L. P. Naithani, learned counsel for the respondents.

Learned counsel for the petitioner invited our attention to para 10 of counter affidavit in which the procedure for promotion on the reserved post has been stated, which reads as under:

"That with reference to the contents of paragraph 11, it is submitted that the petitioner no.1 and 2 were working as Senior Chemists in ONGC as on 1.1.98 and they were eligible for consideration as Deputy Supdt. Chemist (E-3 level posts) under the recommendations "C" of the Mool Chand Committee Report w. e. f. 01.01.90. The belong to scheduled Tribes Category and were duly considered by the Selection Committee on 20.03.96 in accordance with the recommendations of the Mool Chand Committee Report but despite the relaxed standards they could not fulfil the criteria required for appointment to E- level category. The copy of selection proceedings is annexed (CA-II)"

Learned counsel for the petitioners submitted that in view of the aforesaid procedure adopted by the ONGC, the petitioner was eligible and suitable for promotion as the petitioners no. 1 and 2 have obtained 51.4 % marks, which is evident from Annexure 3 to the Counter affidavit filed by the O.N.G.C. at page 15 of the counter affidavit. The argument of the learned counsel for the petitioners is fully substantiated by the averments made in the counter affidavit.

In view of averments made in para 11 of the counter affidavit that the petitioners were not fulfilling the entire criterion laid down in the procedure, therefore, they were not promoted and the post of scheduled Tribe was decided in favour of scheduled Caste Candidate in terms of the Government Order. In reply to it, learned counsel for the petitioners submitted that the petitioners fulfilled the entire criteria, therefore, they were called for interview and after the interview petitioner no.1 and 2 secured 51.4% marks.

Having regard to the facts of the case, we direct the authorities to reconsider the case of the petitioners for promotion on the post reserved for scheduled tribes candidate within a period of one month from the date of production of certified copy of this order.

Learned counsel for the parties agreed that the petition may be disposed of in the light of the observations made above.

The petition is disposed of accordingly.

(Irshad Hussain, J.) (P.C. Verma, A.C.J.)

Dt. 22.07.2003

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